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## IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
## FIRST JUDICIAL DISTRICT

**TRACIE B. THOMAS**                                                    **PLAINTIFF**

**VS**                                                    CAUSE NO.: _18-122_

**JACKSON STATE UNIVERSITY AND JOHN**
**and JANE DOE I-X**                                          **DEFENDANTS**

### COMPLAINT

### *JURY TRIAL DEMANDED*

Tracie Thomas, Plaintiff, files the following claims against Jackson State University and

John and Jane Does I-X, for discrimination based on her disability in violation of the Americans

With Disabilities Act, and for violations of the Family Medical Leave Act.

### JURISDICTION AND VENUE

1.      Jurisdiction for suits charging discrimination on the basis of a disability is

concurrently vested in this Court and Federal court by way of 42 U.S.C. 126, *et seq.,* the Family

Medical Leave Act, 29 U.S.C. 2601, *et seq.*

2.      Venue is proper in Hinds county as the violations of the Americans With

Disabilities Act and Family Medical Leave Act that occurred in Jackson, Hinds County,

Mississippi.

### PARTIES

3.      The Plaintiff Tracie B. Thomas (Ms. Thomas or Plaintiff) is a resident of Hinds

County, residing at 1468 Northlake Drive, Jackson, Mississippi 39211.

4.      Defendant Jackson State University ("JSU") is a state institution of higher learning

located in Hinds County, Jackson, Mississippi.  JSU can be served by delivering a copy of the

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Complaint and Summons to the Office of the Attorney General, Walter Sillers Building, 550 High

Street, Suite 1200, Jackson, Mississippi 39201 and also by delivering a copy of the Summons and

Complaint to JSU's Chief Executive Officer, Dr. William Bynum at 1400 John R. Lynch Street,

Jackson, Mississippi 39217.

5.      The Defendants John and Jane Does I-X are presently unknown individuals and/or

business entities that may have liability for claims and damages as alleged herein.   If and when

any such unknown defendants are discovered, they will be substituted herein.

## FACTS

6.      Plaintiff went to the doctor in March of 2016

7.      In or around April 20, 2016, Ms. Thomas filed for leave through the Family

Medical Leave Act ("FMLA") due to a medical illness.   Ms. Thomas was notified by Karmon

Richardson, Benefits Specialist at Jackson State University through correspondence dated April

29, 2016, that her request for FMLA leave was approved for April 20, 2016 through May 3,

2016.   On May 4, 2016, Ms. Thomas returned to work and worked until June 1, 2016.

8.      Still dealing with her medical illness, Ms. Thomas filed for FMLA leave again.

This request was also approved through correspondence dated June 28, 2016 by Karmon

Richardson, Benefits Specialist at Jackson State University.   The FMLA was approved for June

1, 2016 through June 28, 2016.

9.      Again, Ms. Thomas was still dealing with her medical illness and applied for a

third time for FMLA leave.   Said leave was again approved through correspondence dated July

26, 2016.   The FMLA leave was approved from June 29, 2016 through July 25, 2016.

10.     Lastly, Ms. Thomas applied for FMLA Leave again on 07-26-17, and again, it

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was approved up to and until August 4, 2017.

11.     During Ms. Thomas' FMLA leave, Dr. Fadavi, Ms. Thomas' direct supervisor, would contact Ms. Thomas via telephone and email and require Ms. Thomas to perform job duties.   In fear of losing her job, Ms. Thomas would perform these duties even though she was on FMLA leave.

12.     Finally, on August 2, 2017, Dr. Fadavi contacted Ms. Thomas and requested that she come into the office for a meeting.   During this meeting, Dr. Fadavi told Ms. Thomas that due to Ms. Thomas' current and future doctor's appointments, and because Dr. Fadavi needed someone in the office that Dr. Fadavi would not approve any further leave.   After a brief pause, Dr. Fadavi then advised Ms. Thomas that Dr. Fadavi no longer needed Ms. Thomas and Dr. Fadavi told Ms. Thomas that she knew that Ms. Thomas would do well in any job that she worked at in the future.

13.     Dr. Fadavi required Ms. Thomas to continue to work while she was on FMLA leave and also terminated Ms. Thomas' employment while she was still under the FMLA leave in violation of the FMLA Act and in violation of the Americans With Disabilities Act.

## ADMINISTRATIVE PROCEDURE

14.     Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission in which she stated the facts upon which this lawsuit is based.   On or about July 18, 2017, Plaintiff received a Notice of Right to Sue from the U.S. Equal Employment Opportunity Commission which informed her that the EEOC had completed action on the Charge and Ms. Thomas had ninety days in which to file suit.   Her initial Complaint was filed within ninety (90) day period and timely served.

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## RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff seeks all relief permitted under the Americans With Disabilities Act 42 U.S.C. 126, *et seq.,* the Family Medical Leave Act, 29 U.S.C. 2601, *et seq.* and Title VII, including but not limited to reinstatement to her employment, all back pay due and any front pay to be awarded, emotional distress and all compensatory damages, all applicable fringe benefits, costs, including reasonable attorney's fees, pre-judgment and post-judgment interest and liquidated damages.

Respectfully submitted, this the 6th day of March, 2018.

Respectfully Submitted,

TRACIE THOMAS - PLAINTIFF

By: _____
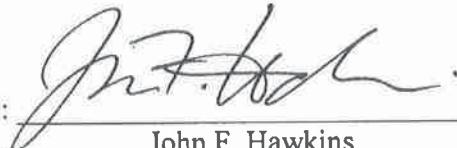
John F. Hawkins

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Jackson, Mississippi 39225-4627
Telephone: (601) 969-9692
Facsimile: (601) 914-3580

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**COVER SHEET**

**Civil Case Filing Form**
*(To be completed by Attorney/Party
Prior to Filing of Pleading)*

Mississippi Supreme Court    Form AOC/01
Administrative Office of Courts    (Rev 2016)

**Court Identification Docket #**

| County # | Judicial District | Court ID (CH, CI, CO) |
|---|---|---|
| 2 5 | 1 | C I |

Month: 0 3   Date: 0 6   Year: 1 8

This area to be completed by clerk

**Case Year:** 2 0 / 1 8

**Docket Number:** / 2 2

**Local Docket ID**

Case Number if filed prior to 1/1/94

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In the CIRCUIT    Court of HINDS    County — FIRST    Judicial District

**Origin of Suit (Place an "X" in one box only)**
- [X] Initial Filing
- [ ] Remanded
- [ ] Reinstated
- [ ] Reopened
- [ ] Foreign Judgment Enrolled
- [ ] Joining Suit/Action
- [ ] Transfer from Other court
- [ ] Appeal
- [ ] Other

**Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form**

Individual: Thomas (Last Name)   Tracie (First Name)   Maiden Name, if applicable   M.I.   Jr/Sr/III/IV

____ Check ( x ) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
Estate of _____

____ Check ( x ) if Individual Planitiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity
D/B/A or Agency _____

Business _____
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated
____ Check ( x ) if Business Planitiff is filing suit in the name of an entity other than the above, and enter below:
D/B/A _____

**Address of Plaintiff**   1468 Northlake Drive, Jackson, MS 39211

**Attorney (Name & Address)**   John Hawkins, PO Box 24627, Jackson, MS 39225-4627    **MS Bar No.** 9556

____ Check ( x ) if Individual Filing Initial Pleading is NOT an attorney
Signature of Individual Filing: _____

**Defendant - Name of Defendant - Enter Additional Defendants on Separate Form**

Individual: (Last Name)   (First Name)   Maiden Name, if applicable   M.I.   Jr/Sr/III/IV

____ Check ( x ) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
Estate of _____

____ Check ( x ) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:
D/B/A or Agency _____

Business   Jackson State University
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated
____ Check ( x ) if Business Defendant is acting in the name of an entity other than the above, and enter below:
D/B/A _____

**Attorney (Name & Address) - If Known** _____    **MS Bar No.** _____

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____ Check ( x ) if child support is contemplated as an issue in this suit.*
*If checked, please submit completed Child Support Information Sheet with this Cover Sheet

**Nature of Suit (Place an "X" in one box only)**

**Domestic Relations**
- [ ] Child Custody/Visitation
- [ ] Child Support
- [ ] Contempt
- [ ] Divorce:Fault
- [ ] Divorce: Irreconcilable Diff.
- [ ] Domestic Abuse
- [ ] Emancipation
- [ ] Modification
- [ ] Paternity
- [ ] Property Division
- [ ] Separate Maintenance
- [ ] Term. of Parental Rights-Chancery
- [ ] UIFSA (eff 7/1/97; formerly URESA)
- [ ] Other _____

**Appeals**
- [ ] Administrative Agency
- [ ] County Court
- [ ] Hardship Petition (Driver License)
- [ ] Justice Court
- [ ] MS Dept Employment Security
- [ ] Municipal Court
- [ ] Other _____

**Business/Commercial**
- [ ] Accounting (Business)
- [ ] Business Dissolution
- [ ] Debt Collection
- [ ] Employment
- [ ] Foreign Judgment
- [ ] Garnishment
- [ ] Replevin
- [ ] Other _____

**Probate**
- [ ] Accounting (Probate)
- [ ] Birth Certificate Correction
- [ ] Mental Health Commitment
- [ ] Conservatorship
- [ ] Guardianship
- [ ] Heirship
- [ ] Intestate Estate
- [ ] Minor's Settlement
- [ ] Muniment of Title
- [ ] Name Change
- [ ] Testate Estate
- [ ] Will Contest
- [ ] Alcohol/Drug Commitment (Involuntary)

- [ ] Alcohol/Drug Commitment (Voluntary)
- [ ] Other

**Children/Minors - Non-Domestic**
- [ ] Adoption - Contested
- [ ] Adoption - Uncontested
- [ ] Consent to Abortion
- [ ] Minor Removal of Minority
- [ ] Other _____

**Civil Rights**
- [ ] Elections
- [ ] Expungement
- [ ] Habeas Corpus
- [ ] Post Conviction Relief/Prisoner
- [ ] Other _____

**Contract**
- [ ] Breach of Contract
- [ ] Installment Contract
- [ ] Insurance
- [ ] Specific Performance
- [X] Other Employment

**Statutes/Rules**
- [ ] Bond Validation
- [ ] Civil Forfeiture
- [ ] Declaratory Judgment
- [ ] Injunction or Restraining Order
- [ ] Other _____

**Real Property**
- [ ] Adverse Possession
- [ ] Ejectment
- [ ] Eminent Domain
- [ ] Eviction
- [ ] Judicial Foreclosure
- [ ] Lien Assertion
- [ ] Partition
- [ ] Tax Sale: Confirm/Cancel
- [ ] Title Boundary or Easement
- [ ] Other _____

**Torts**
- [ ] Bad Faith
- [ ] Fraud
- [ ] Intentional Tort
- [ ] Loss of Consortium
- [ ] Malpractice - Legal
- [ ] Malpractice - Medical
- [ ] Mass Tort
- [ ] Negligence - General
- [ ] Negligence - Motor Vehicle
- [ ] Premises Liability
- [ ] Product Liability
- [ ] Subrogation
- [ ] Wrongful Death
- [ ] Other _____